

REMARKS

Reconsideration of the application is respectfully requested.

I. STATUS OF THE CLAIMS

Claims 4, 11, 17, 18, and 19 were previously canceled without prejudice or disclaimer of the subject matter therein.

Claims 1, 5-7, 9, 10, 12, 13, 14, and 20 are amended herein. No new matter is added.

Claims 1-3, 5-10, 12-16, and 20 are pending in the application.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,888,135 to Barton et al. ("Barton") and the Examiner's statement of ordinary skill in the art. Applicant respectfully traverses these rejections.

Claims 1-3, 5-9, 13-16, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of U.S. Patent Application No. 2003/0060287 to Nishiyama ("Nishiyama"). Applicant respectfully traverses these rejections.

According to the Examiner, the combination of Barton with knowledge of ordinary skill in the art or the combination of Barton and Nishiyama discloses all of the elements of the claims, including independent claims 1, 10, 13, 14, and 20. Applicant respectfully disagrees with the Examiner.

The system according to independent claim 1 includes a transmitter, a recording medium, and a movable machine. The transmitter transmits a control signal that includes first identification information. Claim 1 is amended herein to require that the "movable machine is remote-controlled on the basis of the control signal transmitted from the transmitter when the first identification information transmitted with the control signal is coincident with a first identification information

associated with the movable machine.” Additionally, claim 1 is amended herein to recite that the transmitter includes:

a characteristic information recognition device recognizing the characteristic information concerning the movable machine to be controlled, recorded on the recording medium; and

a second identification information transmission device transmitting the second identification information, before starting to transmit the control signal with the first identification information, obtained by the recognized characteristic information.

Claim 1 is also amended herein to recite that the movable machine includes:

a storage device storing the characteristic information including a second identification information associated with itself;

a discrimination device determining whether remote control conducted by the transmitter that has transmitted the second identification information is allowed, depending on whether the received second identification information is coincident with the second identification information stored in the storage device; and

a remote control prohibition device responsive to discrimination that the remote control is not allowed, prohibiting control of the movable machine by the control signal, even if the control signal with the first identification information coincident with the first identification information associated with the movable machine is received.

Support for these amendments may be found, for example, in the Specification at page 5, lines 15-18 and page 6, lines 6-16.

Thus, claim 1 requires that the movable machine discriminate based on two separate pieces of identification information, i.e., the first and second identification information. The first identification information is conventional identification information. That is, the first identification information can be changed by a user each time the remote control is used in order to eliminate overlap with, for example, a transmission timing or a frequency used by another user. However, in order to start the conventional remote control system according to claim 1, second identification information must first be provided to the movable machine as additional identification information.

Claim 1 recites that before starting to transmit the control signal, the transmitter obtains and transmits the second identification information acquired from the recording medium. Similarly, amended claim 1 also requires that the movable machine, which receives the second identification information from the transmitter, includes a discrimination device, which determines, depending on whether the received second identification information is coincident with identification information stored in a storage device, whether remote control is allowed. Claim 1 also requires that the movable device include a prohibition device for prohibiting control of the movable machine by the control signal if remote control is determined not to be allowed, even if the control signal with the first identification information coincident with the first identification information associated with the movable machine is received. Thus, claim 1 requires that when the movable machine determines that remote control is not allowed, even if the movable machine receives a proper control signal, the movable machine is not controlled by the control signal. Therefore, the second identification information is used for determining whether to start the conventional remote control system.

In contrast, Barton discloses only a single piece of identifying information that is used by a vehicle to determine if the vehicle should respond to remote control. Barton discloses that the particular toy vehicle to be controlled is selected by pressing a button 58 a particular number of times. (Barton, Column 5, Lines 53-65). According to the Examiner, the signal generated by the multiple depressions of the button 58 corresponds to the “first identification information” of claim 1. (Detailed Action, Page 3, Line 10 – Page 4, Line 2)

All of the information for identifying one of the toy vehicles disclosed by Barton, that is, the number of depressions of button 58 to make an operation pad correspond to a specific toy vehicle (Barton, Column 10, Lines 50-60), the address generated by the depressions (Barton, Column 10, Lines 50-60), and the particular address of the toy vehicle pre-set at the factory (Barton, Column 10, Lines 18-21), correspond to only the “first identification information” of claim 1.

The Examiner contends that the signals generated by switches 60a and 60b of Barton correspond to the “second identification information” of claim 1. However, in contrast to the

Examiner's contention, Barton does not disclose that the signal generated from the depression of button 60a or 60b includes information for discriminating one of the toy vehicles. Barton merely discloses that when a button 60a or 60b is depressed to close switch 62a or 62b, a bin 18 of the toy vehicle is moved upward or downward (Barton, Column 6, Lines 9-21). Therefore, it is apparent that the signal produced by the depression of button 60a or 60b does not contain information for discriminating one of the toy vehicles, but instead contains information for indicating some operation of the specified toy vehicle. Specifically, the signal from button 60a or 60b corresponds to the "control signal" of claim 1, and not as the Examiner contends, "second identification information." Further, claim 1 recites that the second identification information is transmitted to the movable machine "before starting to transmit the control signal with the first identification information." Thus, the signal generated by the pressing of button 60a or 60b, which clearly is a signal operative to control one of the functions of the toy vehicle, cannot be "second identification information," as recited by amended claim 1.

In view of the foregoing, Applicant respectfully submits that Barton does not disclose a device for transmitting second identification information, which is based on characteristic information concerning a movable machine, to a movable machine, as required by claim 1. Further, Barton does not disclose "a second identification information transmission device for transmitting the second identification information obtained by the recognized characteristic information before starting to transmit the control signal with the first identification information," as recited by claim 1. Barton only discloses one piece of identification information, i.e., the address generated by the presses of button 58, and thus, does not disclose second identification information. Moreover, Nishiyama does not disclose any identification information used to specify a device to be controlled among multiple devices. Nishiyama merely discloses a game cartridge 20 that is detachably connected to a transmitter. (Nishiyama, paragraph [0083]). The data stored in the cartridge 20 includes only data such as a game program, sound data, and image data. (Nishiyama, paragraphs [0045]-[0046]). Nishiyama nowhere teaches or suggests that the data included in the cartridge 20 could include identification information for identifying a toy vehicle. Therefore, the combination of Barton and Nishiyama does not disclose all of the elements of claim

1. Thus, claim 1 is not obvious in view of the references cited by the Examiner. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Moreover, claim 1 requires that the second identification information is generated from the characteristic information of the movable machine stored on the recording medium, and that “the recording medium exist[s] independently of the transmitter and the movable machine.” Thus, because the recording medium is independent of both the transmitter and the movable machine, only a user who has the recording medium associated with a particular movable machine can control the movable machine. Therefore, the second identification information stored on the medium, allows the system to discriminate based upon which user has the proper recording medium. The combination of references cited by the Examiner fails to teach or suggest storing information specific to a particular movable machine on removable recording medium to thereby limit remote control of the movable machine to authorized users. The Examiner admits that Barton does not disclose a recording medium existing independently of the transmitter and the movable machine. (Detailed Action, Page 8, Lines 9-10). Further, Nishiyama merely discloses a cartridge for storing a game program. (Nishiyama, Paragraph [0045]). Thus, the combination of references cited by the Examiner also does not disclose this feature of the present invention.

Claim 10 is directed to a movable machine that is moved by a control signal when first identification information transmitted with the control signal is coincident with first identification information associated with the movable machine. As claimed, the movable machine comprises:

...
a discrimination device responsive to transmission of a second identification information specifying a movable machine to be controlled, transmitted from the transmitter, the discrimination device determining whether remote control conducted by the transmitter that has transmitted the second identification information is allowed, depending on whether the received second identification information is coincident with the second identification information stored in the storage device....

Thus, claim 10 also requires that the movable machine discriminate based on two separate pieces of identification information, i.e., the first and second identification information. Therefore,

Applicant submits that claim 10 is allowable at least for the reasons discussed above with respect to claim 1. Specifically, the combination of Barton and Nishiyama does not disclose a movable machine that discriminates based upon two separate pieces of identification information to allow control of the movable machine. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claim 13 is directed to a transmitter that is combined with a movable machine on the basis of first identification information. Claim 13 recites:

...
a characteristic information recognition device recognizing characteristic information of the movable machine recorded on a recording medium existing independently of the transmitter and the movable machine; and
a second identification information transmission device transmitting a second identification information obtained by the recognized characteristic information before starting to transmit the control signal with the first identification information, the second identification information specifying the movable machine to be controlled.

Thus, claim 13 requires a transmitter that uses two separate pieces of identification information, i.e., the first and second identification information, to control a movable machine. Therefore, Applicant submits that claim 13 is allowable at least for the reasons discussed above with respect to claim 1. Specifically, the combination of Barton and Nishiyama does not disclose a transmitter that uses two separate pieces of identification information to control a movable machine. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claim 14 is directed to a remote control system comprising:

...
a transmitter transmitting a control signal with transmitter identification information and a movable machine remote-controlled by the control signal when the transmitter identification information therewith is coincident with an identification information associated with the movable machine;
...

the transmitter comprises:

...

a movable machine specification information transmission device transmitting, before starting to transmit the control signal with the transmitter identification information, a movable machine specification information obtained by the recognized characteristic information....

Similarly, claim 20 is directed to:

A transmitter transmitting a control signal with a transmitter identification information to remote-control a movable machine, the transmitter comprising:

...

a movable machine specification information transmission device transmitting, before starting to transmit the control signal with the transmitter identification information, a movable machine specification information obtained by the recognized characteristic information, the movable machine specification information specifying the movable machine to be controlled.

Thus, claims 14 and 20 each require a transmitter that uses two separate pieces of identification information, i.e., the transmitter identification information and the movable machine specification information, to control a movable machine. Therefore, Applicant submits that claims 14 and 20 are allowable at least for the reasons discussed above with respect to claim 1. Specifically, the combination of Barton and Nishiyama does not disclose a transmitter that uses two separate pieces of identification information to control a movable machine. Accordingly, Applicant respectfully requests that the rejections be withdrawn.

In light of the foregoing remarks and amendments, Applicant submits that the cited references fail to disclose, teach, or suggest the features of independent claims 1, 10, 13, 14, and 20. Applicant further submits that claims 2, 3, 5-9, 12, 15, and 16, which are each dependent upon one of claims 1, 10, and 14, are allowable at least by reason of dependency upon an allowable base claim. Consequently, Applicant submits that the present invention is both novel and inventive over the cited references and respectfully requests that the rejections be withdrawn.

CONCLUSION

In view of the foregoing, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

It is believed that no fee is required for these submissions. Should the U.S. Patent and Trademark Office determine that additional fees are owed or that any refund is owed for this application, the Commissioner is hereby authorized and requested to charge the required fee(s) and/or credit the refund(s) owed to our Deposit Account No. 04-0100.

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Respectfully submitted,

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